UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1147
27 April 1993

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

TOKELAU

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	3
II.	CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	3 - 40	3
	A. General	3 - 9	3
	B. Legislative developments	10 - 15	4
	C. Territorial government	16 - 23	4
	D. Public service	24 - 29	6
	E. Future status of the Territory	30 - 40	6
III.	ECONOMIC CONDITIONS	41 - 63	8
	A. General	41 - 42	8
	B. Public finance	43 - 46	8
	C. Development assistance	47 - 49	9
	D. Agriculture, livestock and fisheries	50 - 54	9
	E. Transport and communications	55 - 59	10
	F. Public works	60 - 61	11

93-23102 (E) 050593

050593

/...

CONTENTS (continued)

		Paragraphs	Page
G.	Energy	62	11
H.	Banking and credit	63	11
IV.	SOCIAL AND EDUCATIONAL CONDITIONS	64 - 81	11
A.	Health and social services	64 - 69	11
B.	Educational conditions	70 - 75	12
C.	Housing conditions	76 - 77	13
D.	Welfare and relief	78	13
E.	Labour and employment	79	13
F.	Crime prevention	80	13
G.	Human rights	81	14

TOKELAU 1/

I. GENERAL

1. Tokelau, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Nukunonu, 4.7 square kilometres; Fakaofo, 4.0 square kilometres; and Atafu, 3.5 square kilometres) with a total land area of approximately 12.2 square kilometres. Nukunonu, the central atoll, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Western Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Western Samoa. According to the 1991 census, the total population of Tokelau was 1,577, a decrease of 113 compared with 1986. There were 543 inhabitants on Atafu, 437 on Nukunonu and 597 on Fakaofo. The constraints of atoll life and limited opportunities have led some 3,000 Tokelauans to settle abroad, particularly in New Zealand and Western Samoa.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

3. Tokelau is administered under the Tokelau Act, 1948, and its amendments. 2/ Tokelauans are New Zealand citizens under the provisions of the New Zealand Citizenship Act, 1977.

4. It will be recalled that under the Tokelau Act, the Minister for Foreign Affairs of New Zealand may appoint the Administrator of Tokelau for a three-year term. Mr. Brian Absolum, the current Administrator, assumed office on 1 February 1992.

5. His responsibilities for the day-to-day administration of the Territory are in practice delegated to the Official Secretary, who heads the Office for Tokelau Affairs which constitutes the headquarters of the Tokelau Public Service. The post of Official Secretary has, for several years, been held by a Tokelauan. For administrative and communications reasons, that office had been based at Apia, Western Samoa. (For further details, see para. 8.)

6. In its most recent report, the administering Power states that given the difficulties caused by separation from, and by poor communications with, the atolls, there were plans to transfer the Tokelau Liaison Office at Apia to Tokelau.

7. It will be recalled that the General Fono (Council) of Tokelau had already approved a plan to relocate the Office for Tokelau Affairs to the Territory over a five-year period as soon as sufficient improvements in communications within Tokelau and between Tokelau and the outside world were completed. When the Office is relocated to Tokelau, it will be the first time since 1889 that the Administration is resident in Tokelau itself.

8. In December 1992, New Zealand announced that the headquarters of the Tokelau Public Service would be moved from Apia to Tokelau, that a Tokelauan Liaison Office would be established at Apia and that Tokelauans would assume the day-to-day administration of their affairs from New Zealand (see also para. 25). 3/

9. The Government of Western Samoa gives considerable assistance to Tokelau. Besides the service it provides to the Office for Tokelau Affairs, it gives Tokelauans access to secondary and vocational institutions and medical facilities.

B. Legislative developments

10. Tokelau's legislative system is based on the Tokelau Act, 1948, as amended. New Zealand statutes apply to Tokelau only where explicit reference is made to the Territory and, in practice, no New Zealand legislation is extended to Tokelau without Tokelauan consent. The Governor-General of New Zealand is empowered to make regulations for the peace, order and good government of the Territory, after due process of consultation.

11. In the early 1980s, in response to a study that concluded that Tokelau lacked a coherent legal system and that major reform was needed, a Tokelau Law Project was undertaken, which is still continuing, funded by the Tokelau budget and the United Nations Development Programme (UNDP). The aim of the project is to create a body of law that will give due recognition to Tokelauan custom and grant legal authority to local institutions. The process involves ascertaining Tokelau's wishes through consultations between New Zealand and Tokelauan representatives, who have formed a special committee for the purpose.

12. The first amendment to Tokelau legislation resulting from the Law Project was the Tokelau Amendment Act, 1986. 4/

13. The current annual report states that all laws or rules affecting Tokelau are now made either by the Tokelauans or at their request and with their consent.

14. All three atolls have statutory power to enact their own local laws.

Judiciary

15. The New Zealand High Court exercises civil and criminal jurisdiction in the Territory. The faipule of each atoll (see para. 22) also serves as its Commissioner, responsible for arbitrating and resolving disputes under local law.

C. Territorial government

16. The principal institution of government in Tokelau is the General Fono, which establishes policies for the administration of the Territory, takes decisions on the allocation of budgetary resources and makes policy decisions in all areas affecting Tokelauan life. The General Fono consists of

15 representatives of each atoll chosen by its respective taupulega (Council of Elders). The three taupulega are presided over by the faipule, who are the three joint chairmen of the General Fono. No major policy question is approved by the Administrator or the Minister for Foreign Affairs without the endorsement of the General Fono.

17. In December 1992, the New Zealand Minister for External Relations and Trade announced that the time had come to delegate formally to Tokelau's political institutions New Zealand's authority for administration of the executive government of Tokelau. While New Zealand would retain authority to intervene should the need arise, Tokelau had decided to establish a Council of Faipule to provide government when the General Fono was not in session. The Faipule would select one of their number to be a Ulu o Tokelau (titular leader of Tokelau) for a rotational term of one year. The Minister further stated that Tokelau would, for the first time, have a recognized leader of government. 3/

18. There are ongoing discussions between the General Fono and the New Zealand Government on Tokelau's future political status (see paras. 30-40).

19. The new Administrator paid his first visit to Tokelau in May 1992 where he attended the General Fono on Nukunonu and met with other village councils. The function of New Zealand officials at meetings of the General Fono is purely advisory.

Atoll government

20. On each of the three atolls, the principal organ of administration is the taupulega or Council of Elders. The two most important figures are the faipule and the pulenuku. The taupulega is composed differently on each atoll. On Atafu, the taupulega is composed of the head of each family group, together with the faipule and pulenuku. On Fakaofo, it comprises the faipule, the pulenuku and village elders. The taupulega of Nukunonu consists of elders and the nominated heads of extended families, the faipule and the pulenuku.

21. The pulenuku are equivalent to the village mayors. They are responsible for the day-to-day administration of village affairs, the scheduling of work, the supplying of water and, in some instances, the resolving of land disputes.

22. The faipule are joint chairmen of the General Fono and represent each atoll in its dealings with the Administrator, the Official Secretary and the officers of the Tokelau Public Service. They preside at meetings of the respective taupulega. The faipule also represent Tokelau at regional meetings and conferences. The failantuhi (village clerks appointed by the taupulega of each atoll) keep records of meetings and transactions of the taupulega.

23. The faipule and pulenuku are elected by secret ballot and universal suffrage for three-year terms. The next elections were scheduled for January 1993. In recent years, all of the faipule and pulenuku have visited New Zealand for discussions with the Prime Minister and other officials on the political future of the Territory and to broaden their awareness of the general operation of government.

D. Public service

24. The Tokelau Public Service is composed of departments of Administration, Health, Education, Agriculture and Fisheries, Public Works and Finance. It is administered by the New Zealand State Services Commissioner, who has the authority, under the Tokelau Amendment Act 1967, to make appointments, ensure a proper standard of efficiency and, with the approval of the Governor-General, make regulations as to pay, allowances, discipline, control and management.

25. In December 1992, the New Zealand Minister for External Relations and Trade announced that the Fono had asked the New Zealand State Services Commissioner to delegate his existing responsibility for the Tokelau Public Service to qualified persons from Tokelau and New Zealand in order to give Tokelauans a more direct say in how their public service is run. The Minister understood that the State Services Commissioner was prepared to do so on the assumption that the apolitical nature of the public service and other essential standards would be maintained. 3/

26. The Minister further stated that it was likely that there would be a significant change in the Tokelau Public Service. As noted above, the headquarters of the government departments will be moved from Apia to Tokelau, a Tokelau Liaison Office will be established at Apia, and the structure of the public service will be changed to take account of the political development that is taking place.

27. During the period under review, the Tokelau Public Service employed a total of 289 persons (156 permanent employees, 24 temporary employees and 109 casual staff). All were Tokelauans, with the exception of some Samoan members of the office at Apia. In addition, a doctor from Tuvalu, three United Nations volunteers and a New Zealand adviser were working under contract.

28. Directors of the Tokelau Public Service and the Official Secretary pay regular visits to Tokelau by ship, a round trip which normally takes at least a week. The time involved creates practical difficulties for the administration of the Territory and limits the number of public servants able to attend courses overseas. The transfer of the Office for Tokelau Affairs to the Territory itself is expected to eliminate some of these problems.

29. Training awards were granted to members of the Tokelau Public Service by UNDP, the University of the South Pacific, the South Pacific Commission (SPC), the World Health Organization (WHO) and the Commonwealth Fund for Technical Cooperation.

E. Future status of the Territory

30. The Government of New Zealand is committed to assisting Tokelau attain a greater degree of self-government and economic self-sufficiency. While no timetable has been set, the New Zealand Government has regularly reminded the representatives of Tokelau of the desirability of continued progress towards self-government. It is the stated intention of the administering Power, however, to be guided by the wishes of the Tokelauan people.

31. The New Zealand Minister for External Relations and Trade noted in December 1992 that the people of Tokelau had been managing their own affairs to a great extent for some years, but that both they and the New Zealand Government had concluded that the time had come to delegate formally to Tokelau's political institutions the authority New Zealand held for administration of the executive government of Tokelau.

32. The Minister considered this involvement would give the people of Tokelau a greater capacity to govern themselves and confidence in doing so. Both parties had recognized, however, that given Tokelau's size, extreme isolation and lack of human and other resources, it would be premature at that stage for Tokelau to assume full self-government and for New Zealand to relinquish its responsibility for Tokelau.

33. The people of Tokelau have repeatedly expressed the desire to retain their special relationship with New Zealand. At its 651st meeting, on 4 June 1992, the Subcommittee on Small Territories, Petitions, Information and Assistance, heard a message delivered by the representative of New Zealand on behalf of the three faipule. According to the message, Tokelau was continuing its efforts to strengthen the role of its local institutions and to assume more responsibility for its own affairs. While Tokelau would like that process to proceed more quickly, it recognized that its unique characteristics and constraints precluded such developments. The message noted that one constraint was the location of the political leadership in Tokelau while the senior administrative section of its public service was situated at Apia, Western Samoa. The faipule noted that Tokelau had reached a certain degree of self-government, but that it lacked a formally constituted government structure.

34. The faipule stated that in May 1992 the General Fono had consented to the following proposals by the Administrator:

(a) New Zealand should enact legislation to give due recognition to the General Fono as the policy and lawmaker for Tokelau;

(b) New Zealand should, by enactment, establish a Council of Faipule (composed of the three faipule) which would run the business of the Territory on a daily basis and be empowered to make policy decisions affecting Tokelau as a whole;

(c) Responsibility should be given to village councils to implement less skilled programmes, currently undertaken by the Tokelau Public Service, in the areas of public works, agriculture, fisheries, health and administration.

35. The faipule stated that the above-mentioned issues had been assigned to a working group of special advisers from New Zealand and Tokelau to make recommendations.

36. The message further stated that the General Fono had endorsed the transfer of the Office for Tokelau Affairs from Apia to Tokelau on a decentralized basis and that it was essential that all three atolls take equal responsibility in hosting part of the senior elements of its public service. It considered that since the programme ran parallel to the development of a formally recognized government structure, and that it was necessary for this to be put in place

before the actual transfer of senior staff, the ongoing government mechanism should be set up before the directors were actually transferred.

37. The faipule were seriously concerned with climatic pattern changes and global warming which could have a negative impact on the Territory, and it commended the French Government for its suspension of nuclear testing on Mururoa atoll, which it hoped would lead to a permanent conclusion of activities. Tokelau had been actively involved in the preparatory meetings for the United Nations Conference on Environment and Development, and considered that it was for the industrialized nations to curb activities that compounded their fears.

38. The faipule informed the Subcommittee that they would continue to play an active role in regional affairs and to participate in international meetings as appropriate. They considered the experience acquired from such participation would assist in their progression to developing a national identity.

39. The faipule assured the Subcommittee that Tokelau was playing its part to meet the requirements of the Declaration but that it was equally important to meet the unique character of their society.

40. According to press reports, Tokelauans believe that decolonized islands in the Pacific region had inherited alien political and administrative structures at odds with their traditional systems of government. Any change, they argued, should come slowly. In that regard, in November 1992, the Official Secretary reiterated that the people of Tokelau "do not wish to move away from New Zealand now or in the immediate future". 5/

III. ECONOMIC CONDITIONS

A. General

41. The economy of Tokelau is basically at a subsistence level. Its further development is limited by the Territory's lack of top soil and land-based resources, its small size and isolation. Apart from the salaries of public service employees, the main sources of income are sales of copra, stamps, souvenir coins and handicrafts and remittances from Tokelauans resident abroad, mainly in New Zealand. Most of the funds for Tokelau's imports of goods and services come from assistance provided by the administering Power.

42. There are cooperative stores on each atoll which carry basic supplies. The Tokelau Public Service Administration works closely with the Store Committee on each atoll to improve the management of the stores and to reduce the cost of goods. An increasing percentage of the goods now sold in Tokelau is imported directly from manufacturers in New Zealand, Australia and Fiji, rather than purchased through wholesale outlets at Apia.

B. Public finance

43. Tokelau's public revenue comes from New Zealand budgetary support and from various local charges, sales and fees. Total budgetary support, special grants, development assistance and disaster relief totalled $NZ 6.6 million 6/ in

1991/92. For the period under review, direct budgetary assistance from New Zealand amounted to $NZ 4.3 million. Additional revenue was generated in Tokelau by shipping charges, sales of postage stamps, handicrafts and coins, customs duties and exclusive economic zone fees. These revenues cover recurrent local costs. Tokelau is responsible for managing and spending these funds.

44. New Zealand provided $NZ 700,000 for development projects, including the construction of an inter-atoll vessel, the establishment of the Apia-Tokelau shipping link, poultry farming, a community care for the elderly project, the production of newsletters for the youth, and repairs to adult learning centres. In addition, it provided emergency and disaster relief totalling $NZ 75,000 in 1991/92 ($NZ 5,000 to each atoll) following Cyclone Val in December 1991.

45. New Zealand made a further grant of $NZ 1 million to enable Tokelau to liquidate its deficit resulting from poor financial management. Improved financial management and reporting systems have since been introduced.

46. A grant of $NZ 500,000 was made to enable the ownership of properties occupied by staff of the Office for Tokelau Affairs at Apia to be transferred to the Office from the Ministry of External Relations and Trade.

C. Development assistance

47. The two principal goals of Tokelau's development strategy are to develop the transport/communications system and to enhance and supplement the existing subsistence lifestyle. In its current annual report, the administering Power states that its development assistance programme with Tokelau endeavours to address both areas of need. Unlike budgetary support, project assistance is intended to assist development activities rather than meet recurrent costs.

48. In addition to New Zealand, various international agencies also gave assistance to Tokelau. UNDP was the largest donor after New Zealand. The planning figure for 1992-1996 was US$ 1.077 million, the bulk of which was set aside for improving Tokelau's telecommunications. UNDP also continued to assist with the upgrading of Tokelau's power and water supplies and the construction of sea walls. In addition, it provided three volunteers to Tokelau. 7/

49. Other international or multilateral donors to Tokelau included the United Nations Educational, Scientific and Cultural Organization (UNESCO), WHO, the International Telecommunication Union (ITU), the World Meteorological Organization (WMO), SPC, the South Pacific Environmental Programme and the Forum Fisheries Agency (FFA). The United Nations Population Fund (UNFPA) provided US$ 33,000 to enable the five-yearly census to be undertaken in November 1991.

D. Agriculture, livestock and fisheries

50. Practically all land is held by customary title in accordance with the customs and usages of the inhabitants. The Tokelau Amendment Act, 1967, provides that the people of Tokelau may dispose of their land among themselves according to their customs, but they may not alienate land by sale or gift to non-indigenous inhabitants. Land holdings pass from generation to generation

within the families, and are the privilege of the head of the family group. Some land is held in common.

51. Because of Tokelau's sandy surface cover, vegetation has traditionally been limited to the coconut palm, breadfruit and pandanus. A successful vegetable-growing scheme, initiated with financial assistance from UNDP and technical advice from SPC, has been extended to Nukunonu and Atafu. A project aimed at developing root crops will also be extended to these two atolls. In order to protect the crops, programmes for the control of various infestations continue to be carried out.

52. Tokelau's livestock now comprises pigs, fowl and ducks. Attempts to improve the local swine breed have achieved positive results.

53. Ocean, lagoon and shellfish are plentiful and are a main constituent of the diet. The most common species of fish caught are tuna, skipjack and mullet. UNDP has provided fish-aggregating devices to help increase catches. Under an agreement between the United States of America and the States members of FFA, the American Tuna Fish Association (ATFA) is allowed to fish in the exclusive economic zones of the region in exchange for the payment of fees. Whether or not United States ships actually fish in the waters of Tokelau's exclusive economic zone, the Territory is entitled to assistance for economic development from ATFA by virtue of its being a beneficiary of the agreement to which New Zealand is a signatory. A fish-processing plant has been operating on Atafu since October 1990, funded by the FFA-United States Tuna Treaty. The plan processes fresh tuna into marinated, sun-dried tuna flakes.

54. A trochus-seeding project was introduced on Fakaofo in the 1980. During the period under review, stocks were replenished with specimens from the Cook Islands and the project was extended to cover Nukunonu and Atafu.

E. Transport and communications

55. Given its extreme isolation, Tokelau is heavily dependent for its contact with the outside world on effective shipping and telecommunications services. The most recent report of the administering Power states that at present, unfortunately, neither service is satisfactory.

56. Tokelau continues to rely on shipping services for all transport, including for passengers, cargo and mail. The MV Wairua, owned by a Fiji-based shipping company, makes the round trip between Apia and the Territory once a month. A Western Samoan barge, MV Fotu O Samoa, undertook additional charters to transport building materials and supplies. Neither service was entirely suitable, however, whether in terms of cost, capacity, condition or availability, and efforts to find ways to upgrade the Apia-Tokelau shipping services continued, although without success.

57. In November 1991, New Zealand formally handed over to Tokelau, the MV Tutolu, a purpose-built catamaran for travel between the atolls. The ship was at Apia on its way to Tokelau when Cyclone Val struck. Although it escaped damage, mechanical and other problems restricted its effectiveness during the initial months of its operation.

58. The General Fono has rejected plans for the construction of an airstrip on the grounds that the land would be better used for copra and food production. 8/

59. In its current annual report, the administering Power states that the existing system of telecommunications is also unreliable and limited, allowing for direct external communication only with the Office for Tokelau Affairs at Apia. UNDP and the New Zealand Government have embarked on the necessary preparation, however, for introducing a more effective satellite-based system.

F. Public works

60. During the period under review, various public work projects were carried out on the three atolls, including repairs to sea walls and buildings damaged by Cyclone Val. A number of projects were completed.

61. In addition, a new power house was under construction on Nukunonu, and on Atafu, a new septic tank for the hospital and a new meeting house were under construction.

G. Energy

62. All three atolls are provided with UNDP-funded 36 kVA diesel generators to improve their electricity power supplies. New cables were laid to replace old wires and new pillar boxes were connected. Household metres were installed in each home. A new 41 kVA alternator has been purchased for Nukunonu, and a 31 kVA alternator for Atafu. UNDP continues to assist with the improvement of electricity supply on the atolls. Cables damaged by Cyclone Val have been repaired.

H. Banking and credit

63. New Zealand currency and the Tokelau souvenir coin are legal tender in Tokelau.

IV. SOCIAL AND EDUCATIONAL CONDITIONS

A. Health and social services

64. Each of the three atolls has a hospital equipped with ample supplies of medicine and medical and surgical instruments. Critical or difficult cases are referred to Western Samoa or New Zealand for treatment.

65. A major concern regarding health conditions in Tokelau is the rapid rise in the incidence of non-communicable diseases, such as hypertension, heart disease, diabetes and gout. Changing lifestyles as well as smoking, beer-drinking and the increasing dependence on imported foods are reported to be the underlying causes for these changes in the health patterns of the people. 9/

66. Tokelau became an associate member of WHO in May 1991. The WHO Country Programme for Tokelau for the 1992-1993 biennium provides for training of a medical graduate in Fiji, training of a theatre nurse, post-graduate studies in tropical health for one medical officer and the training of a public health nurse. The programme also provides for basic dental equipment associated with the centralization of selected services.

67. UNFPA has approved a three-year programme for Tokelau, beginning in 1992. Provision has been made for the establishment of a maternal and child health programme and a family planning programme; and for the supply of basic equipment, as well as family planning devices and pharmaceuticals. As part of the training component, staff nurses will undertake post-graduate training in midwifery, and on-the-job training of local staff nurses will be undertaken by a United Nations Volunteer medical officer.

68. An immunization programme funded by the United Nations Children's Fund for the six childhood diseases is progressing well, with coverage of over 90 per cent of the target population. No cases of tuberculosis, diphtheria, pertussis, poliomyelitis, tetanus or measles were reported in the past two years among infants and children up to five years of age.

69. Immunization against hepatitis B was conducted in November 1991 with assistance from the New Zealand Department of Health. Virtually full coverage was achieved among children ranging from newborn to five years of age.

B. Educational conditions

70. Each of the three atolls has modern and well equipped primary and secondary schools for children between the ages of 5 and 18 years. In 1987, a national form V class was introduced on Nukunonu. The class is open to students from the other two atolls who must board with Nukunonu families during the school year. Education is free and school attendance is close to 100 per cent. There are also preschool classes in each village. Each school has a library which is also used by the local community.

71. Tokelau's teaching establishment comprises 43 qualified teachers and 13 teachers' aides. Each atoll has a parent-teacher association that helps to organize school activities.

72. In the past, qualified students might take examinations for scholarships for further study in New Zealand upon completing form II. Under a new policy instituted in 1990, examinations were given at the form V level. It was considered that under the earlier system, students were being sent overseas at too young an age.

73. Adult learning centres have been established on each of the atolls. The centres offer programmes aimed at developing youth programmes and traditional skills, such as carving and weaving, as well as courses on specific trades, such as sewing, outboard motor maintenance and engineering.

74. Teachers are being encouraged to upgrade their professional and academic skills through correspondence courses and in-service training. Two volunteers

from New Zealand are helping teachers to improve their abilities. One is assisting with the establishment of form V science programmes and is providing in-service training. The other is helping to develop the preschool curriculum. Effort is being put into the development of women's and youth programmes, as well as sports programmes.

75. There are 97 Tokelauan students and trainees studying overseas in New Zealand, Western Samoa, Fiji, Tonga, Niue, Solomon Islands and Tuvalu. Of these, 39 are secondary school students, 14 university students and the rest are studying or receiving training in a variety of technical skills.

C. Housing conditions

76. The people on Atafu live in one village, which is situated on part of a rotu (reef-bound islet). On Nukunonu, the village occupies about half of one motu, which is connected by bridge to a neighbouring motu where some families have settled. The village on Fakaofo is on a small but comparatively high and well shaded motu. A second village has been established on a larger nearby motu, Fenuafala, where the school, the hospital and other facilities are located.

77. A government-subsidized housing programme is in place on all three atolls. As a result, the number of houses of traditional construction has decreased significantly.

D. Welfare and relief

78. Respect for the aged is an integral part of the social system of the islands, where the responsibility of the family to provide for the aged and needy is accepted. Village women's committees, consisting principally of married women, assist the medical officers and nursing staff with infant care and child welfare. A pension is paid to both men and women over the age of 60 years.

E. Labour and employment

79. Copra production and the manufacture of handicrafts are the only industries of significance in Tokelau. Most labour is devoted to the procuring of food from lagoons, the ocean or plantations; to the maintenance of villages; and to the production of handicrafts. Various public works and agriculture programmes and projects also provide employment. All paid-worker positions are rotated to distribute public service wages more widely throughout the community. Some work is carried out under contract by the village labour forces.

F. Crime prevention

80. There is little crime in Tokelau, and there are no prisons. Punishment generally takes the form of public rebukes, fines or labour. There are three police officers each on Fakaofo, Atafu and Nukunonu.

G. Human rights

81. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, ratified by New Zealand in December 1978, apply in Tokelau.

Notes

1/ The information contained in the present paper has been derived largely from information transmitted to the Secretary-General by the Government of New Zealand under Article 73 e of the Charter of the United Nations on 6 March 1993 for the year ended 30 June 1992.

2/ See Official Records of the General Assembly, Thirty-first session, Supplement No. 23 (A/31/23/Rev.1), vol. III, chap. XVII, annex, appendices I-IV.

3/ Media release issued by the New Zealand Minister for External Relations and Trade, dated 22 December 1992.

4/ The Tokelau Amendment Bill, 1986, was enacted into law at the end of July 1986 (see A/AC.109/877/Add.1, annex V).

5/ The Economist, 21 November 1992.

6/ The local currency is the New Zealand dollar. As at 1 June 1992, $NZ 1.00 was equivalent to US$ 0.55.

7/ DP/CP/TOK/3, 26 February 1992: Third Country Programme for Tokelau, UNDP, p. 2.

8/ Islands Business Pacific, vol. 18, No. 2, February 1992, p. 15 (Suva).

9/ Agence France-Presse, 6 May 1992.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1148
10 May 1993

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 10	3
II.	CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	11 - 43	4
	A. General	11 - 20	4
	B. Future political status	21 - 43	5
III.	ECONOMIC CONDITIONS	44 - 89	9
	A. General	44 - 52	9
	B. Public finance	53 - 56	10
	C. Land tenure	57 - 65	11
	D. Agriculture and fisheries	66 - 73	12
	E. Tourism	74 - 77	13
	F. Industry and commerce	78 - 81	14
	G. Transport and communications	82 - 89	15

CONTENTS (continued)

		Paragraphs	Page
IV.	SOCIAL CONDITIONS	90 - 100	15
	A. Housing	90 - 92	15
	B. Public health	93 - 97	16
	C. Labour	98 - 99	17
	D. Law and order	100	17
V.	EDUCATIONAL CONDITIONS	101 - 105	17

GUAM 1/

I. GENERAL

1. Guam, a Non-Self-Governing Territory administered by the United States of America, is the southernmost and largest island of the Mariana archipelago. The island is 48 kilometres long, ranges from 8 to 14 kilometres in width and has a total land area of 540 square kilometres. Guam lies about 2,400 kilometres east of Manila. Agana is the capital city.

2. Guam is composed of two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and contains the northern water lens, capable of supplying fresh water far in excess of the Territory's present needs. The southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. 2/

3. In 1521, the explorer Ferdinand Magellan, sailing under the Spanish flag, reached Guam during his circumnavigation of the globe. Later, in 1565, Spain claimed Guam and the rest of the Mariana Islands, but did not begin colonization until 1668, when the native Chamorro population of the Mariana archipelago was estimated at 50,000. As a result of harsh treatment by the colonizers and the introduction of new diseases, the Chamorros were reduced to less than 2,000 by 1700. Following its defeat in the Spanish American War in 1898, Spain ceded Guam to the United States.

4. Guam was under the administration of the United States Navy from 1899 to 1950, except for a period during the Second World War when the island was occupied by Japan.

5. In accordance with the 1950 Organic Act of the United States Congress, Guam became an unincorporated Territory. Administration of the Territory was transferred to the Department of the Interior.

6. Guam's population is growing at an accelerating rate, increasing from 105,979 in 1980 to an estimated 133,152 in 1990, or by 26 per cent. 3/ According to the most recent information, Guam's population rose to 136,226 in 1991. 4/ If the current rate of growth remains constant, the Territory's population will double by the year 2010. 3/ Population density is about 235 per square kilometre, much higher than the average in the United States. Of the total inhabitants, 21,173 are United States military personnel and their dependants. 5/ Exclusive of military personnel, about 43 per cent of the inhabitants, or 57,648 persons, are Chamorros or part Chamorro, an increase of 20 per cent or 9,803 persons, between 1980 and 1990 although its proportion of the population fell by 2 per cent; 22 per cent or 30,043 persons are Filipinos; 15 per cent migrated from the United States mainland; and 13 per cent are Korean, Chinese, Japanese, Micronesian and Indian. 6/

7. At its 642nd meeting, on 1 May 1992, the Subcommittee on Small Territories, Petitions, Information and Assistance of the Special Committee was provided additional information by the Organization of People for Indigenous Rights with

regard to the ethnic composition of Guam. The same organization provided additional information on the subject to the Fourth Committee at its 3rd meeting, on 13 October 1992. 7/

8. The organization drew attention to the 1990 Census of Population and Housing: Social, Economic and Housing Characteristics - Guam, according to which over half the population was not born in the Territory and, of that proportion, 63 per cent had arrived after 1985. 8/ The organization expressed concern that the Chamorro population was becoming a minority owing to the continued application to Guam of federal immigration regulations. 9/

9. According to press reports, the Chamorro Nation, an activist group, has stepped up its campaign to end immigration to Guam. A spokesman for the indigenous rights group said that the United States Government had been allowing thousands of immigrants into Guam so that the indigenous Chamorros would become a minority in their own land. Immigration is currently controlled by Washington, but a proposed agreement would transfer authority to Guam officials, allowing them to curtail immigration. 10/

10. Approximately 1,300 more United States Navy personnel and their dependants, a total of 2,500 persons, were expected to move to Guam during 1992 as a result of the closing of the Subic Bay Naval Base and Cubi Point Naval Air Station in the Philippines. 11/ It will be recalled that in 1989, approximately 1,300 military personnel were moved from Guam owing to the closure of the B-52 base at Anderson Air Force Base. With the expected redeployment, the total number of military personnel in the Territory would return to the 1989 level.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

11. As provided for by the Organic Act of 1950, the Government of Guam consists of separate executive, legislative and judicial branches.

12. Universal adult suffrage with respect to local elections applies to Guamanians 18 years and older. As Guamanians are nationals rather than citizens of the United States, they are not eligible to vote in the United States presidential elections while resident in the Territory.

13. Since 1972, the Territory has had a non-voting delegate in the United States House of Representatives. In December 1992, the House enacted legislation extending limited voting privileges to territorial delegates. The United States Constitution limits full voting rights to members of Congress who represent constituencies in the United States. Votes of territorial delegates will not be counted if they are the determining factors in passing legislation. 12/

14. In elections held in November 1992, the Democratic Party candidate Mr. Robert Underwood, a Chamorro college professor, defeated the incumbent Republican Party candidate, Mr. Ben Blaz, by 17,911 votes to 14,522. 13/

Executive

15. Executive power is vested in a Governor who, together with a Lieutenant-Governor, is elected for a term of four years. The Governor is responsible for the general supervision and control of the executive branch and submits to the Secretary of the Interior an annual report on the transactions of the Territory's Government for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation. In 1990, Governor Joseph F. Ada (Republican) was re-elected for a second term.

Legislature

16. Legislative power is vested in a unicameral body composed of 21 senators elected by legislative districts for two-year terms. The Legislature may override the Governor's veto.

17. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

Judiciary

18. The Federal District Court of Guam has jurisdiction over all cases arising under the United States Constitution, as well as under United States treaties and laws. The Superior Court of Guam handles cases arising under the laws of Guam.

19. In January 1993, Guam enacted legislation to create a Supreme Court of Guam. According to the Organic Act, which enables the Legislature to enact laws to establish a high court, the Ninth Circuit Court will monitor the decisions of Guam's Supreme Court for 15 years. Guam's Legislature states that it does not agree with the probation provision. A spokesman for the Superior Court of Guam stated that establishment of a high court on Guam would allow cases that had been charged and tried under local law to be reviewed by justices who were familiar with local laws, customs, values and mores of the community. 14/

20. On 14 April 1992, the United States Court of Appeals for the Ninth Circuit affirmed the ruling of a federal district court which declared a territorial law on abortion unconstitutional. The statute outlawed the procedure except to save a woman's life or prevent grave injury. The unanimous decision by the three-judge panel of the Court of Appeals upheld the ruling of the federal district judge who had blocked the law's enforcement in March 1990, four days after it took effect. On 30 November 1992, the United States Supreme Court, by a vote of 6 to 3, refused to review the appeals ruling of the Ninth Circuit Court. 15/

B. Future political status

21. In a political status referendum held on 30 January 1982, Guamanian voters were asked which of the following seven alternatives they would prefer as "the ultimate goal of the Territory of Guam": (a) statehood; (b) independence;

(c) free association; (d) the status of incorporated Territory (i.e., with a local constitution); (e) commonwealth status; (f) the status quo; or (g) other.

22. Commonwealth status received 4,914 votes (49.5 per cent), just short of a simple majority, followed by statehood, 2,547 votes. The majority of voters in every village on the island opted for commonwealth status.

23. In a run-off referendum held in September 1982, a large majority of Guamanian voters expressed preference for commonwealth status. Subsequently, in February 1984, the Guam Legislature established an eight-member Commission on Self-Determination to prepare a draft commonwealth agreement which, if acceptable to the people, would be submitted to the United States Congress for consideration.

Draft Commonwealth Act

24. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public-education campaign, was submitted to an article-by-article vote on 8 August 1987. Thirty-nine per cent of the 35,846 registered voters participated. They approved 10 of the 12 articles by majorities ranging from 51 to 61 per cent and rejected articles 1 and 7 by small margins.

25. Article 1, which spelled out the envisaged political relationship between the United States and Guam, also contained provisions that would recognize the Chamorro people (defined as those born on Guam before 1 August 1950 and their descendants) as a distinct group with certain privileges. Article 7 would transfer control over immigration from the federal Government to Guam.

26. A second vote on articles 1 and 7, as revised by the Commission on Self-Determination, was held on 7 November 1987 and brought out 20,000 voters, or 56 per cent of all those registered. Each article was approved by about 11,400 votes, notwithstanding continuing criticism that the articles still contained provisions that were actually or potentially discriminatory and were thus contrary to the United States Constitution.

27. The major provisions of the draft Commonwealth Act may be summarized as follows: Guam would become a fully self-governing Commonwealth of the United States under a locally adopted constitution, which would recognize, and be consistent with, the sovereignty of the United States over Guam and the supremacy of the provisions of the United States Constitution, as well as treaties and laws of the United States applicable to Guam. The Guam constitution would provide for a republican form of government, with separate executive, legislative and judicial branches and a bill of rights. No federal laws passed after adoption of the act would apply to Guam without its consent, and a joint commission would regularly consult with the United States and Guam on all matters affecting the relationship between them. The United States would be required to consult with Guam with respect to any plan to increase or decrease activities of the Department of Defense in the Territory and would pay rent on land used by the military.

28. The draft Commonwealth Act also provided that the Congress of the United States would recognize the inalienable right to self-determination of the

Chamorro people, for which provision would be made in the Guam constitution. The United States Government, together with the Commonwealth of Guam, by means of additional federally funded programmes, might promote: (a) the maintenance and preservation of the Chamorro language, culture and traditions; (b) the enhancement of economic, social and educational opportunities for Chamorros; and (c) the training of Chamorros as professionals, skilled workers and leaders in business and industry. Also under the draft Act, the Government of Guam would establish, for the benefit of the Chamorro people, a "Chamorro Land Trust" comprising certain lands returned by the United States before and after the effective date of the Act. The draft Act specified that, notwithstanding the above provisions, no qualified resident of Guam could be deprived of the right to vote in any plebiscite or referendum held to ratify the draft Commonwealth Act and that the continued eligibility of members of minority groups for benefits would not be affected.

29. Under the draft Commonwealth Act, Guam would have greater control over immigration matters than exercised by any of the 50 States or other United States Territories, as well as veto power over federal laws and regulations. It would establish a 200-mile exclusive economic zone. Further, the draft Act would restrain the United States from utilizing the waters surrounding Guam for the dumping or storage of nuclear waste and would oblige the United States to clean up all chemical waste sites used by the military.

30. The draft Act was submitted to Congress for its consideration in February 1988. A Federal Inter-Agency Task Force report released in August 1989 concluded that some provisions of the draft Commonwealth Act were unconstitutional, particularly those relating to the exercise of self-determination by the Chamorro people.

31. In his state of the Territory address of 14 January 1992, Governor Ada reiterated that passage of the draft Commonwealth Act would enable the Territory to increase trade with, and accept assistance from, foreign countries and enable it to control its own marine resources. He reiterated the territorial Government's demand for access to unused land being held by the federal Government.

32. In testimony submitted on his behalf to the House Subcommittee on Insular and International Affairs on 6 February 1992, Governor Ada called upon Congress to enact the draft Commonwealth Act as submitted, as early as possible. He stated that the change of political status would enable the people of the Territory to chart their own future development as well as guarantee that the United States would maintain a stable strategic presence in the Pacific.

33. In her testimony to the House Subcommittee on Insular and International Affairs on 6 February 1992, Stella Guerra, Assistant Secretary of the Interior for Territorial and International Affairs, stated that discussions on a number of subjects, including Guam's Commonwealth proposal, had taken place during 1991 between federal officials and those of the Territory. Tentative agreement had been reached on two thirds of the major provisions of the draft.

34. In January 1993, one day before the change in the Administration of the United States, the Federal Inter-Agency Task Force submitted its report on the draft Commonwealth Act to Congress. According to a release from the United

States Department of the Interior, the report offers compromise language mutually agreed upon by the Task Force and the Commission on Self-Determination. Areas on which the Task Force and the Commission could not agree (about one third of the bill) remain unresolved. Assistant Secretary Guerra was reported as saying that key areas still to be resolved include Guam's request for the veto power over the applicability of federal laws to Guam. 16/

35. According to Governor Ada, the Inter-Agency Task Force had reneged on a number of agreements on the Territory's Commonwealth plan. The Task Force had determined that the Chamorro Land Trust provision of the draft Act was unconstitutional even though the Task Force and the Commission on Self-Determination had agreed on it in 1992. Further, a Guam official noted that the Department of the Interior had determined that the Chamorro Land Trust provision would be consistent with the federal policy to "prevent indigenous minorities from becoming landless and impoverished". 17/

36. In February 1993, Governor Ada warned that the indigenous Chamorros and other inhabitants of Guam were running out of patience in their pursuit of commonwealth status. He warned that if the federal Government was not more responsive to their demands for more autonomy now, they may take a more aggressive tack and seek total independence. 18/

37. Following the release of the report, the newly appointed Secretary of the Interior, in consultation with Governor Ada, endorsed a proposal for a direct presidential appointee to lead the federal Government in commonwealth status talks. 19/

38. In March 1993, in response to fears expressed by the Federation of Asian People in Guam that the draft Commonwealth Act would strip them of their rights and would not include their interests, an official of the Commission on Self-Determination stated that immigrants and indigenous peoples alike would have the same individual rights and constitutional protection under commonwealth status as they do now. 20/

Action taken by the General Assembly

39. A representative of the Governor of Guam and a member of the Organization of People for Indigenous Rights addressed the Fourth Committee of the General Assembly on 13 October 1992. Both speakers stated that no conditions should be placed on the internationally accepted principle embodied in resolution 1514 (XV) of 14 December 1960 and that the Assembly should continue to urge the administering Authority to "give full recognition" to the status and rights of the Chamorro people as provided for in the draft Commonwealth Act. 21/

40. On 25 November 1992, the General Assembly adopted resolution 47/27, an omnibus resolution on 10 Non-Self-Governing Territories, including Guam. In part A of the resolution, which contains the general principles applicable to all the Territories concerned, the General Assembly, inter alia, reaffirmed that it was ultimately for the people of those Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the General Assembly. The Assembly called upon the administering Powers, in

cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in Assembly resolution 1541 (XV) of 15 December 1960.

41. Furthermore, the General Assembly reiterated that it was the responsibility of the administering Powers to create such conditions in the Territories as would enable their people to exercise freely and without interference their inalienable right to self-determination and independence.

42. In part B, section VI, of the resolution, which concerns Guam, the General Assembly, inter alia, called upon the administering Power to continue to ensure that the presence of military bases and installations in the Territory should not constitute an obstacle to the implementation of the Declaration nor hinder the population of the Territory from exercising its right to self-determination, including independence, in conformity with the purposes and principles of the Charter of the United Nations.

43. The General Assembly also noted that discussions held since 1990 between the Government of the United States of America and the Guam Commission on Self-Determination have resulted in qualified agreements on the provisions of the Guam Commonwealth Act, including agreements to disagree on several substantive portions of the Guam proposal, which are to be forwarded to the Congress of the United States for consideration. The Assembly urged the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture, and reiterated its request to the administering Power that it continue to recognize and respect the cultural and ethnic identity of the Chamorro people, the indigenous inhabitants of Guam. The Assembly further noted that 13 years had elapsed since the visit to the Territory of a United Nations visiting mission.

III. ECONOMIC CONDITIONS

A. General

44. Until the Second World War, the majority of Guamanians were involved in subsistence agriculture. After the War, and until the 1970s, employment was generated mainly by United States Department of Defense military bases, which provided jobs mostly in the construction and servicing sectors. The formation of a territorial Government in 1951 provided further employment in non-agricultural sectors, in particular in the public service.

45. Since the 1970s, the dramatic increase in tourism and the related construction, retail and service sectors have been the effective force in the economy's growth.

46. The 1990 Guam Annual Economic Review described Guam's economic outlook as "very promising", ascribing the rapid growth and near-full employment to the tourism and construction sectors. The Review added that in addition to being one of the most populated and advanced islands in the western Pacific, Guam had

an ideal geographical location and a stable banking community and offered liberal incentives for investments. Continuing efforts were being made to promote the development of small-scale light manufacturing and to establish Guam as a financial, educational and administrative centre in the western Pacific. According to more recent information, the combined assets of all financial institutions on Guam increased by more than 27 per cent in 1990 to $4.21 billion as at 30 December 1990. 22/

47. The 1991 Guam Annual Economic Review also attributed Guam's continued prosperity to the construction and tourism sectors. With employment at an all-time high and the opening of many new businesses related to tourism, the Review states that Guam's economy is flourishing. 4/

48. The federal Government plays a leading role in the economic affairs of the Territory. During the period under review, total expenditures amounted to $715 million, of which $368 million was expended for wages and salaries; $116 million for grants awarded by the local government; $89 million for direct payments for individuals; $129 million for procurement; and approximately $13 million for other programmes. 23/

49. Federal allocations for military operations in Guam decreased from the previous $895 million to $480.8 million during the period under review. Of this amount, $352.1 million was allocated for wages and salaries and $128.7 million for procurement of goods and services. 24/ (For further details, see A/AC.109/1149.)

50. Guam's economy has also been experiencing a rapidly escalating rate of inflation. The Territory's consumer price index continued to average twice the national levels of the United States. 25/ The prosperity of the Territory has not resulted in an equitable distribution of income among the island workforce. According to a recent publication of the Guam Department of Labor, compared with 1989, per capita income increased in 1990 by 17.7 per cent to $9,885, while average household income increased by 14.6 per cent to $36,772. 4/ It will be recalled that the Government gave all its employees, one fifth of the total workforce, a $5,440 salary increase for 1990, amounting to an average increase of 20 per cent per worker (see A/AC.109/1111, para. 47).

51. Guam is located in an area prone to typhoons and receives assistance from the federal Government 26/ (for further details, see para. 92).

52. Guam imports almost all of its requirements. The United States has been the traditional supplier, currently selling goods at $250 million to Guam annually. The Territory's exports to the United States are valued at $84.5 million. 27/

B. Public finance

53. The territorial Government's revenue for fiscal year 1991 amounted to $655.3 million and expenditures equalled $526.8 million. The Government therefore recorded a surplus balance of $128.5 million. 28/ The Territory receives funding from a number of departments of the federal Government. During 1993, Guam will receive $50 million out of a total federal insular budget of

$317 million. Of this sum, $48.5 million will be for federal income tax rebates (an increase of $1.5 million compared to 1992) (A/AC.109/1111, para. 50).

54. Territorial officials requested an increase in federal payments for "Impact Assistance", meaning expenses associated with the effect on Guam of the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands, especially expenditures incurred due to open immigration from the Freely Associated States estimated to be $27.9 million for 1989 to 1991. For 1990-1991, Guam received $1 million which was shared with the Commonwealth of the Northern Mariana Islands and $1.5 million for 1992-1993. The Territory receives additional lending from various federal agencies.

55. Territorial leaders have drawn attention to the fact that the Territory's economy is increasingly interdependent with the countries of the Pacific Rim, in particular Japan. The Government is currently drafting its own income tax code to replace the Internal Revenue Code. The new code would be designed to reflect economic conditions of the Asia-Pacific region and offer better incentives to offshore investors.

56. In August 1991, the Guam Senate unanimously adopted a resolution requesting that the authority of the Inspector General of the Department of the Interior be limited to auditing programmes directly funded by federal grants. Only 10 to 15 per cent of the Territory's programmes are federally funded. At the close of the Pacific Basin Development Council Conference held in Hawaii on 5 February 1992, the Governors of Guam, American Samoa, Hawaii and the Commonwealth of the Northern Mariana Islands passed a joint resolution, in which they reiterated the position of the Guam Senate.

C. Land tenure

57. Approximately 30 per cent of the land in Guam is reserved for the Department of Defense, 1 per cent is used by the federal Government for non-military purposes and 19 per cent belongs to the Government of Guam. About 50 per cent is privately owned. There are approximately 10,000 landowners, 94 per cent of whom own less than two hectares of land each (see A/AC.109/1069, para. 42).

58. According to the 1990 Guam Annual Economic Review, there were 35,000 land parcels on Guam with a total appraised value of $1.1 billion.

59. As previously reported (see A/AC.109/1017, para. 55, and A/AC.109/816/Rev.1, para. 34), in the mid-1970s, some 1,400 Guamanians who believed that they had not been adequately compensated for land appropriated by the United States military after the Second World War brought a class-action suit in United States federal courts seeking damages of up to $300 million. In 1984, the majority of plaintiffs decided to accept an out-of-court settlement of $39.5 million, which had been ruled fair by a federal district judge. Since then, because urban and rural landowners have been unable to agree among themselves upon a formula for apportioning the settlement, few disbursements have been made. In November 1988, it was reported that disbursements totalling $1.1 million had been distributed to almost 100 landowners.

60. According to the Guam Commission on Self-Determination, the majority of litigants have not accepted the settlement and are pursuing separate legal action against the federal Government.

61. In a related development, in 1977, in response to expressions of dissatisfaction by Guamanians, the Department of the Navy, in cooperation with the Department of the Air Force, prepared a study known as the Guam Land Use Plan, recommending the release of 2,100 hectares of surplus land held by the military so that it could be developed. The Department of Defense agreed to release 1,416 hectares.

62. The Navy transferred to the territorial Government 190 hectares of land on Cabras Island, as well as the land used for airport expansion at the Naval Air Station, several parcels at Apra Harbour and 84 hectares of land and facilities at the Hotel Wharf.

63. In a statement to the Special Committee's Subcommittee on Small Territories on 29 July 1991, the representative of the United States stated that, during 1990 and 1991, 150 hectares of excess federal lands had been transferred to the Government of Guam to be used for the construction of a waste water treatment facility, a new high school and a new campus for the Guam Community College. In addition, 8 hectares of submerged lands off the south-east coast of Guam had been transferred for use as part of the Cocos Island Public Park (see A/AC.109/1111, para. 60).

64. Press reports indicate that legislation has been introduced in the United States Senate that would authorize the transfer of 1,214 hectares more of excess defence land to the territorial Government upon its institution of a land-use programme. During 1992, the territorial Government conducted public hearings to initiate such a land-use programme.

65. The Superior Court of Guam has ruled that the territorial Government must turn over its unused land, which constitutes almost a quarter of the island's land area, to a commission which may then lease it to indigenous Chamorros. According to press reports, the acting Governor said he would comply with the Court order which applies to all local government land that is not being used or which is not reserved for use. The ruling is reported to be in line with a 1975 land trust act which allows Chamorros to lease the land for a nominal sum. 29/

D. Agriculture and fisheries

Agriculture

66. Today, Guam's agricultural sector is the smallest sector in the economy, utilizing about 162 hectares of land and employing only 370 persons out of a total workforce of 66,390. The average annual earnings of these workers is reported to be $14,529, an improvement over past years where the average earnings were reported to be $9,552, far below the average wage for the Territory. In 1988, the total value of agricultural produce amounted to just over $7 million.

67. Guam has relatively poor natural conditions for commercial agriculture. Rainfall can be torrential and is often accompanied by destructive winds. The soil lacks minerals and nutrients needed for satisfactory agricultural production.

68. Furthermore, the small size of plots is an obstacle to the use of machinery and, in many cases, deters farmers from purchasing capital equipment. Transport, storage and processing facilities for agricultural products have, until recently, been almost non-existent and marketing efforts fragmented.

69. To increase output, the Government's Agricultural Development Services continues to lease land owned by the territorial or the federal Government that is neither required for public use nor reserved for other purposes. 30/

Fisheries

70. Guam is considered a natural location for a major fishing industry by virtue of its excellent harbour and port operations; infrastructure for freezing, storage and handling of fish; an adequate fuel supply; and ship repair facilities. None the less, it serves mainly as a tuna transshipment centre. Other activities are small scale.

71. In 1991, tuna transshipment from Guam decreased from 12,992 metric tons to 9,627 metric tons. 31/

72. Guam is a member of the Pacific Fisheries Development Foundation, a regional organization which assists members in the management, development and conservation of tuna resources, and of the Western Pacific Regional Fishery Management Council which advises on management within the exclusive economic zone to prevent overfishing and to encourage economic development.

73. According to the 1991 Guam Annual Economic Review, aquaculture represents great untapped potential for the Territory's economy. The first experimental and demonstration farm was established in 1973 and the first commercial operation began in 1975. Since then, the industry has grown significantly and in 1991 the value of commercial aquaculture production totalled $1.08 million. Since Guam imports over $8.5 million worth of fisheries products, the Review believes that aquaculture production could replace a significant portion of these imports. 32/

E. Tourism

74. Tourism continued to be the main factor in the economy's growth during the period under review. Despite a large number of typhoons that afflicted Guam recently, more tourists visited the Territory than in any previous year. In 1992, tourist arrivals totalled 876,742, a 19 per cent increase over the slump caused by the situation between Iraq and Kuwait in 1991. 33/ Visitors from Japan accounted for the highest percentage of the total number of tourists. Tourists from the Pacific region increased considerably following the inauguration of direct air service to Taipei and Hong Kong. In 1991, Guam's hotel rooms increased to 5,894 or approximately 1,000 rooms more than the

previous year while employment in hotels increased by 1,390 jobs to 5,550, or 33 per cent over the previous period. 34/

75. Hotel occupancy taxes amounted to $18.3 million in 1992, compared to $15.8 million in 1991. 35/

76. The development of the tourism industry is estimated to be the main factor in the increase of retail sales to over $1 billion per annum. The territorial Government is designing a strategic marketing plan to encourage the development of new tourist attractions.

77. According to the 1991 Guam Annual Economic Review, Guamanians have expressed concern about uncontrolled tourism and the fact that income generated by tourism has not been directed towards improving infrastructure, public services and facilities to support the rapid growth of tourism, which has doubled over the last five years. Concern was also expressed about the growing cost of living and housing brought about by increased tourism. 36/

F. Industry and commerce

78. As one of the more populated and westernized islands in the western Pacific, Guam acts as an urban and transshipment centre. It imports almost all of its finished trade goods with only a small portion attributed to domestic manufacture. The small-scale manufacturing sector includes firms engaged in wood-carving, bag-making, boat-building, water-bottling and in the production of greeting cards, chocolate, clocks, surf boards and tourist souvenirs. Larger-scale activities include a milk processing plant, printing plants, bread and pastry factories, a watch company and a textile factory. The sector currently accounts for approximately 4 per cent (1,960 employees) of the total private sector employment force in the Territory. 37/

79. For over a decade, income generated from the retail sector has contributed over $1 billion per year to the more than $4 billion total gross business receipts for the period under review. During 1991, the combined retail and wholesale sectors represented approximately 20 per cent of the total payroll and employed 13,330 persons out of a labour force of 66,390. According to the 1991 Guam Annual Economic Review, the high retail and wholesale receipts are attributed to tourism, with estimated spending for each tourist amounting to $1,200 in retail establishments while visiting the Territory. This expenditure provides Guam with annual revenues of $750 million. 38/

80. Headnote 3 (a) of the United States Tariff Code permits local manufacturers to import raw materials tariff-free provided that at least 30 per cent of the value of the final product is added in Guam. Headnote 3 (a) also permits exports to United States markets free of tariffs.

81. Under the Generalized System of Preferences, Guam may benefit from preferential rates for its exports to the United States, Australia, Japan and Canada and the States members of the European Economic Community.

G. Transport and communications

82. Guam is serviced by a number of international airlines: Continental, Air Micronesia, Northwest Airlines, Japan Airlines, All Nippon Airlines, Hawaiian Airlines, Air Nauru, Korean Air and Philippine Airlines. In 1991, Japan Asia Airways and Korean Air initiated services to the Territory. Flights to Japan increased 11 per cent to 105 flights per week. Weekly flights to other destinations totalled 98. 39/

83. During the period under review, Continental Air Micronesia moved its headquarters from Hawaii to Guam in recognition of Guam's increased prominence as a tourist destination.

84. During 1991, the Guam Airport Authority undertook a $250 million expansion and renovation project and earned $21.3 million in revenues, a 20.5 per cent increase over 1990. Operating costs and expenses were $15.3 million with net earnings of $6 million. 40/

85. Since July 1991, officials of the Territory and those of the Defense Department have been engaged in negotiations aimed at transferring land of the United States Naval Air Station to Guam's civilian airport. At present, the civilian airport shares facilities with the naval air station. The transfer would allow for the expansion of Guam's commercial airport operations (for further details see A/AC.109/1149).

86. Apra Harbour is a major port in the western Pacific. Ten shipping lines provide direct service to Hawaii, mainland United States, Asia and the western Pacific. In 1990, 3,073 vessels called at the port. 41/

87. Public bus transport is provided to all 19 villages throughout the Territory by the Guam Public Transit System, an autonomous agency of the Government of Guam.

88. Telephone installations increased from 38,029 primary lines in 1990 to 42,033 primary lines in 1991 resulting in a 27 per cent increase in revenues - from $27.6 million in 1990 to $35.2 million in 1991. Technological advances in the Territory included the installation of a second fibre optic network and a new cellular system. 42/

89. Guam has telephone connections to North America via transpacific submarine cable installed by Fibre Optic Communication. International telegram and telex, telecopy and data transmissions services are also available.

IV. SOCIAL CONDITIONS

A. Housing

90. The 1990 census states that there are 35,223 housing units in Guam, representing an estimated 25 per cent increase over 1980, to keep pace with the population growth. Construction of both private houses and condominiums, as well as of businesses and hotels, is expected to continue to increase. During 1991, the Guam Department of Public Works issued 670 new residential permits valued at

$106.7 million, representing a 20 per cent increase in number and a 59 per cent increase in value. In addition, 37 permits for apartments and dormitories valued at $86.5 million were issued, representing a 108 per cent increase in value over the previous year. 43/

91. The 1991 Guam Annual Economic Review notes that housing costs in the Territory, particularly rental costs, correspond to the most expensive urban areas in the United States. Estimated monthly housing costs on Guam totalled approximately $900, or 24 per cent higher than the average monthly rental costs in the United States. The Guam Housing and Urban Renewal Authority provides subsidized housing for low income families. 44/

92. Guam is often subject to typhoons because of its location. In August 1992, Typhoon Omar caused an estimated $500 million in damages. The President of the United States issued an oral presidential disaster declaration making available immediately federal grants and loans for temporary housing and reconstruction. 45/

B. Public health

93. Medical care is generally of a high standard and health conditions are good. The 158-bed, government-owned Guam Memorial Hospital was opened in 1976. In addition, there is the United States Naval Hospital and some 17 medical and 7 dental clinics. The Department of Public Health and Social Services maintains a pharmacy, a nursing section, a maternal child health and family planning centre and a paediatric clinic. A new mental health facility is under construction.

94. Some 140 physicians practise on Guam in several fields of specialization. There are over 30 dentists.

95. A shortage of doctors was reported in all areas of health care. The doctor-to-population ratio for 1991 is reported to be 13.1 per 10,000, or a little better than half that in the United States in 1987 (21.4 doctors per 10,000).

96. At the Second Governor's Conference on Health, held in October 1991, 114 health professionals from government, military and private sectors identified 13 areas that needed improvement and attention, including: control of communicable diseases, protection from hazardous and toxic materials, access to comprehensive health care services, environmental protection, reduction of drug and alcohol abuse, and maternal and child health.

97. Reports indicate that 5 per cent of the population in Guam are carriers of hepatitis B, which is endemic to the region. The Centers for Disease Control in Atlanta reported that the region in general and Guam have registered a very low incidence of acquired immune deficiency syndrome (AIDS) cases (only 10 identified cases). The public, however, has been made aware of the disease.

C. Labour

98. In December 1991, the total civilian labour force was reported to be 66,390, of which 46,670 or 70 per cent, were in the private sector and 19,720 or 30 per cent, were in the public sector. The Government of Guam employed 12,660 and the federal Government employed 7,060 exclusive of non-resident aliens and members of the United States Armed Forces and their dependants. 46/ There were a total of 10,316 non-immigrant aliens as of December 1991, mainly from the Philippines, Japan, the Republic of Korea and China. The majority of the labour force is employed in the private sector. The federal and territorial Governments employed 18,500 in 1991. The unemployment rate was 2.8 per cent in 1991.

99. According to several press reports, during 1991 and 1992, a significant number of complaints were registered regarding widespread abuse of alien workers by contractors and brokers. In response to the complaints, labour officials conducted on-site inspections at construction sites and labour camps, and issued a large number of citations of violations and penalties to the businesses concerned.

D. Law and order

100. During 1991, the number of violent crimes decreased to 318 from 382 reported for the previous year. Other crimes, including burglary, larceny and theft, fell from 4,622 in 1990 to 4,496 in 1991. During 1991, the reported overall crime rate fell by 7 per cent and the Territory reported a 100 per cent conviction rate in prosecuted cases. 47/

V. EDUCATIONAL CONDITIONS 46/

101. Education is compulsory for children between 6 and 12 years of age. The Territory has established an extensive public and private educational system. The public educational system includes 24 elementary schools, 6 middle schools and 5 high schools, the University of Guam, and the Guam Community College. Private schools are operated by the Catholic, Episcopalian and Seventh Day Adventist churches. There are also two private business colleges.

102. Total school enrolment in 1991/92 was 34,278, of whom 27,863 attended public schools and 6,415 attended private schools. A total of 1,172 pupils graduated from high school in 1991. Elementary and secondary school teachers numbered 1,219 during the same period. The budget for the operation of public schools amounted to $98.1 million or $3,774 per pupil (25,942) in 1990/91. 48/

103. The Guam Community College reported that in 1990/91, some 7,000 high school and adult-post secondary students were enrolled in courses which included apprenticeship in construction and hotel/restaurant industries. 49/

104. The University of Guam which is accredited by the Western Association of Schools and Colleges of the United States offers graduate programmes in education and public administration and operates a marine research laboratory.

The University has a Micronesian Area Research Center which has an extensive collection of historical documents.

105. For the academic year 1989/90, the University of Guam reported an enrolment of 1,499 full-time students and 886 part-time students. Of this number, 281 were students from the Trust Territory of the Pacific Islands.

Notes

1/ The information contained in the present paper has been derived from published reports and from information previously transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations.

2/ 1991 Guam Annual Economic Review, Department of Commerce, Guam.

3/ United States Department of the Interior Fact Sheet, August 1991.

4/ 1991 Guam Annual Economic Review, p. 1.

5/ Ibid., p. 103.

6/ Ibid., p. 9.

7/ A/C.4/47/SR.3, paras. 42-46.

8/ 1991 Guam Annual Economic Review, p. 9; 1990 Census of Population and Housing: Social, Economic and Housing Characteristics - Guam, United States Department of Commerce, table 49.

9/ United Nations press release GA/COL/2833, 1 May 1992.

10/ Radio Australia News Summary, 22 March 1993.

11/ 1991 Guam Annual Economic Review, p. 31; and Pacific Daily News, 8 February, 26 and 27 April 1992.

12/ Washington Pacific Report, 15 December 1992; Pacific Daily News, 6 January 1993.

13/ Pacific Islands Monthly, December 1992; Radio Australia News Summary, 9 November 1992.

14/ Pacific Daily News, 1 January 1993.

15/ Pacific Magazine, January/February 1993.

16/ Pacific Daily News, 21 January 1993.

17/ Washington Pacific Report, 15 February 1993; Pacific Daily News, 21 January 1993.

18/ Washington Post, 10 February 1993.

19/ Pacific Daily News, 10 February 1993.

20/ Ibid., 18 March 1993.

21/ A/C.4/47/SR.3, paras. 35-46.

22/ 1991 Guam Annual Economic Review, p. 70.

23/ Ibid., p. 30.

24/ Ibid., p. 31.

25/ Ibid., p. 27.

26/ Pacific Islands Monthly, October 1992.

27/ 1991 Guam Annual Economic Review, p. 203.

28/ Ibid., p. 2.

29/ The Washington Pacific Report, 15 February 1993; and Radio Australia News Summary, 11 February 1993.

30/ 1991 Guam Annual Economic Review, p. 53.

31/ Ibid., p. 64.

32/ Ibid., p. 55.

33/ Pacific Daily News, 27 January 1993.

34/ 1991 Guam Annual Economic Review, pp. 82-87.

35/ Quarterly Economic Review, Economic Research Center, Department of Commerce, Government of Guam.

36/ 1991 Guam Annual Economic Review, p. 83.

37/ Ibid., p. 73.

38/ Ibid., p. 79.

39/ Ibid., p. 82.

40/ Ibid., p. 38.

41/ Ibid., p. 39.

42/ Ibid., p. 44.

43/ Ibid., p. 15.

44/ Ibid., p. 18.

45/ Pacific Islands Monthly, October 1992.

46/ 1991 Guam Annual Economic Review, pp. 23, 121 and 122.

47/ Ibid., p. 206.

48/ Ibid., p. 113.

49/ Ibid., p. 24.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1149
7 May 1993

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

A. General

1. The United States Air Force and Navy maintain military installations on Guam; the Coast Guard and the Army Corps of Engineers also have facilities there. More than 16,188 hectares, or about 30 per cent of the island's total area, are reserved for the use of the Department of Defense. In addition, the military controls approximately 324 hectares of "land-locked properties", according to information submitted by the Organization of People for Indigenous Rights of Guam to the Subcommittee on Small Territories, Petitions, Information and Assistance, at its 642nd meeting, on 1 May 1992. 1/

2. In 1991/1992, there were 10,044 active duty military personnel on Guam compared to a figure of 9,688 in January 1990. During the period under review, the military personnel were comprised of the following: Navy, 6,866; Air Force, 2,636; Army, 56; Marines, 344; and Coast Guard, 142. There were, in addition, 11,129 dependants and 1,341 military retirees. 2/

3. The transfer to Guam of military personnel as a result of the closing of Subic Bay Naval Base and the Cubi Point Naval Air Station in the Philippines was expected to return the total number of military personnel in the Territory to the 1989 level. In 1989, prior to the removal of the B-52 squadrons from Guam and the relocation of personnel, there were 10,699 military personnel. 2/

4. Military spending, which is a major source of revenue for the Territory, amounted to over US$ 481 million in 1991/1992. 3/

5. For many years, Andersen Air Force Base was the major military installation on Guam, home to the 43rd Bombardment Wing of the Third Division. That group included nuclear-capable B-52 bombers, which were deployed within the framework of Strategic Air Command operations in the Pacific and Asia. In May 1988, Air Force officials announced that the 43rd Bombardment Wing at Andersen Air Force Base had been deactivated.

6. Andersen Air Force Base has been for some time a prime emergency landing site in the Pacific for the National Aeronautics and Space Administration space shuttle programme. Its facilities are being upgraded to accommodate specialized equipment.

7. A 16-hectare landfill on Andersen Air Force Base has been classified as a hazardous and toxic waste site. The landfill is located over Guam's aquifer, the Territory's sole source of drinking water. The Environmental Protection Agency has allocated $28 million to assist in clean-up efforts, the second highest allocation made to any Pacific air base. The Air Force plans to close the site completely by the year 2000. 4/

8. As previously reported in document A/AC.109/1070, there are a number of naval facilities on Guam: the Santa Rita Naval Magazine; the naval air stations at Brewer Field and Apra Harbour; the naval communications station at Barrigada and the communications annex at Finegayan; and the naval processing station at Ritedian Point. Guam is also a base for the repair, maintenance and provisioning of the Seventh Fleet and Polaris submarines, as well as the home port of five naval vessels. On 30 September 1991, the Secretary of the Navy announced that the naval facility at Ritedian Point would be closed. This closure is expected to open access to private beach properties owned by Guamanians. 5/

9. The Naval Communication Area Master Station, located on Guam since 1906, coordinates all naval communications in Japan, the Philippines, Australia and Diego Garcia and provides fleet communications support to ships operating in the western Pacific Ocean and the Indian Ocean.

10. The territorial Government has requested the consolidation of the 890-hectare Agana Naval Air Station with the 8,903-hectare Andersen Air Force Base (11.3 kilometres away) to allow for expanded use of the facilities by the civilian airport, which currently shares the area and facilities with the Agana Naval Air Station. Guamanian officials contend that the airport needs to be expanded to accommodate increasing numbers of civilian flights. 6/ Members of the House Armed Services Committee visited Guam in December 1990 and July 1991 to re-examine the proposed consolidation.

11. According to a report issued by the Guam Bureau of Planning, closure of the base would facilitate expansion of the airport which would allow more tourists to visit the island. The report stated that "the military, once the linchpin of Guam's economy, is in some ways becoming a constraint" that could be eased by the return of underutilized lands and installations held by the military. The report considered it a "burden that can be eased by the more efficient use of

military property on Guam through consolidation of the Navy and Air Force operations at Anderson Air Force Base". 6/

12. Having observed that Guam was not listed among military installations slated for closure in March 1993, Mr. Robert Underwood, the Guamanian delegate to the United States House of Representatives, said that Guam would appeal to have the Naval Air Station at Agana included in the final list of bases to be closed. 6/

13. The Governor of Guam has reportedly reiterated that there was no military justification for keeping the Agana Naval Station open since naval activities at Agana were almost non-existent. 7/ According to press reports, however, the naval station continues to employ 1,882 military personnel and 804 civilians. In 1992, more than 29,000 military flights landed at the air station. 6/ The Governor considered that the base would better serve the Territory if it was converted to civilian use, and stressed that the occupation of much of Guam's real estate by the military was an economic hindrance. 7/

14. According to press reports, the Chamorro Nation, a group of political activists, has stepped up demonstrations and sit-ins at United States military bases on Guam, demanding the return of land that has not been put to use since the Air Force and Navy began scaling back operations. 8/

15. A United States Coast Guard cutter, the 34-metre Assateague, has been based in Guam since November 1990 to conduct search-and-rescue missions.

16. One thousand troops from Guam participated in Operation Desert Shield and Operation Desert Storm.

17. The question of the transfer of excess military land to the Government of Guam for economic development has been under continuous review by the military since 1977 (see A/AC.109/1069, paras. 42-48).

B. Action taken by the General Assembly

18. On 25 November 1992, the General Assembly adopted resolution 47/27 B, section VI of which related to Guam. The Assembly, inter alia, noted that the second round of negotiations between the United States Government and the Government of Guam aimed at the transfer of land and facilities at the Agana Naval Air Station, opened in July 1991. It called upon the administering Power to continue to ensure that the presence of military bases and installations in the Territory should not constitute an obstacle to implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples nor hinder the population from exercising its right to self-determination, including independence in conformity with the purposes and principles of the Charter of the United Nations.

C. Position of the administering Power

19. In a statement to the Subcommittee on Small Territories at its 636th meeting, on 29 July 1991, the representative of the United States said that senior federal and military officials had maintained a continuing dialogue with territorial leaders regarding the consolidation of military bases and the return of excess land.

Notes

1/ United Nations press release, GA/COL/2833, 1 May 1992.

2/ 1991 Guam Annual Economic Review, pp. 31 and 103.

3/ The local currency is the United States dollar (US$).

4/ Pacific Daily News, 16 October 1992.

5/ 1991 Guam Annual Economic Review, p. 33.

6/ Pacific Daily News, 13 March 1993.

7/ Radio Australia "News Summary", 15 March 1993.

8/ The Washington Post, 10 February 1993.